

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

PEGGY TYLER and MICHAEL H. )  
BROWN, )  
 )  
Plaintiffs, )  
 )  
v. ) Case No. 3:07-1003  
 ) Judge Echols  
 )  
JEWEL STEELE et al., )  
 )  
Defendants. )

**ORDER**

This is a pro se action brought under 42 U.S.C. § 1983 which is pending before the Court on a Report and Recommendation (R & R) (Docket Entry No. 14) from the Magistrate Judge. In the R & R, the Magistrate Judge recommends granting Defendants' "Motion to Dismiss Plaintiffs' Amended Complaint" (Docket Entry No. 11) and dismissing all claims against Defendants. The Magistrate Judge recommends dismissal on the grounds that (1) Plaintiff Peggy Tyler ("Tyler"), an inmate at the Tennessee Prison for Women, has not exhausted available administrative remedies, (2) Tyler fails to state a claim for deliberate indifference to her medical condition, (3) Tyler's claim for the denial of parole is not a proper subject for a Section 1983 action, (4) Plaintiff Michael Brown ("Brown"), who is not a prisoner, cannot assert conditions of confinement claims on Tyler's behalf, and (5) Tyler's and Brown's First Amendment associational rights are not violated merely because Brown is not allowed to personally visit Tyler in prison. The R & R was issued on March 25, 2008, and the parties have filed no objections thereto, even though they were informed in the R & R that any objections needed to be filed within ten (10) days (Docket Entry No. 14 at 8).

Under Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1), the Court may accept, reject, or modify in whole or in part the findings or recommendations made by the Magistrate Judge. Having carefully reviewed the entire record in this case, including the First Amended Complaint (Docket Entry No. 10), the Motion to Dismiss Plaintiffs' Amended Complaint (Docket Entry No. 11), the Response thereto (Docket Entry No. 13), and the R & R, the Court determines that the Magistrate Judge correctly applied the law to the facts alleged in the Amended Complaint in making the recommendations set forth in the R & R. While Plaintiffs' Amended Complaint is lengthy and spans 29 pages, the bulk of the allegations relate to generalities and situations and circumstances involving other inmates and guards. Focusing upon the claims which are personal to Plaintiffs, the Court concludes that the Amended Complaint fails to state a claim upon which relief can be granted.

Accordingly, the Court rules as follows:

- (1) The Report and Recommendation (Docket Entry No. 14) is hereby ACCEPTED;
- (2) Defendants' Motion to Dismiss Plaintiffs' Amended Complaint (Docket Entry No. 11) is hereby GRANTED; and
- (3) This case is hereby DISMISSED WITH PREJUDICE.

Entry of this Order on the docket shall constitute entry of a final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.



ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE